

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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TETRIS HOLDING, LLC and THE)	
TETRIS COMPANY, LLC,)	
)	
Plaintiffs and)	
Counterclaim-Defendants,)	
)	
vs.)	Civil Action No.
)	3:09-CV-6115 (FLW) (DEA)
)	
XIO INTERACTIVE INC.,)	
)	
Defendant and)	
Counterclaim-Plaintiff.)	
)	

VIDEOTAPED DEPOSITION OF

MICHAEL CARTER

December 13, 2010

REPORTED BY:

JULIE ANNE ZEIGLER, RPR, CSR 9750

JOB #432376

1 lessen any chance of a lawsuit.

2 Q. Can you recall any other steps than the two
3 you just mentioned?

4 A. Any other steps that Xio Interactive took or
5 that I took?

6 Q. Either.

7 A. In order to lessen a chance of a lawsuit?

8 Q. Um-hum.

9 A. There may have been other steps that were
10 chosen with the purpose of ensuring that we weren't
11 infringing on any copyrights or trademarks.

12 Q. And what were those?

13 A. You know, I'm not sure exactly what those
14 were.

15 Q. Who would know?

16 A. Well, I would probably know if I -- if there
17 were those steps.

18 Q. And can you recall any, other than -- other
19 than the research into how copyright works and choosing
20 the name Mino?

21 A. I recall that I was careful in choosing audio
22 materials that I was certain were the unique work of
23 Mario Balibrera for inclusion in the game in order to
24 avoid any potential copyright infringement with any
25 other company. I took steps to ensure that the graphics

1 and source code used in the game were uniquely authored
2 by Xio Interactive such that there wouldn't be any
3 copyright infringement.

4 As I said, I made reasonably sure that there
5 was no trademark ownership around the name Mino as it
6 relates to this game. You know, these are some of the
7 things that I did to ensure that we weren't infringing
8 on any intellectual property in order to lessen contains
9 lawsuit.

10 Q. Can you think of anything else?

11 A. That was done specifically to lessen the
12 chance of a lawsuit?

13 Q. Yeah, or to ensure that you weren't
14 infringing on any intellectual property rights.

15 MS. MAITRA: Objection; compound. Which one?

16 MS. SCHMITT: Q. Other than things you just
17 named, can you think of any other steps that you or
18 anyone else at Xio took to ensure that you weren't
19 infringing on any intellectual property rights?

20 A. So other than confirming -- other than
21 becoming reasonably certain that the name we chose
22 wasn't a trademarked name by another company used in
23 this context, and other than making sure that our
24 copyrights didn't infringe on any other companies, I
25 considered the possibility, I think, of a patent, and I